

Rejected

COMMITTEE REPORT

YES: 11
NO: 0

MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 2, line 2, after "at the" insert ":

2 (A) public building where the governing body of the

3 respective city, town, or school corporation meets; or

4 (B)".

5 Page 2, line 3, delete "." and insert ";;".

6 Page 2, between lines 3 and 4, begin a new single block indented

7 and insert:

8 "if the municipality does not have a city or town hall, or the school

9 corporation does not have an administration building."

10 Page 4, between lines 28 and 29, begin a new paragraph and insert:

11 "SECTION 3. IC 6-1.1-24-5.3 IS ADDED TO THE INDIANA

12 CODE AS A NEW SECTION TO READ AS FOLLOWS

13 [EFFECTIVE JULY 1, 2000]: **Sec. 5.3. (a) This section applies to the**

14 **following:**

15 (1) A person who owes delinquent taxes, special assessments,

16 penalties, interest, or costs directly attributable to a prior tax

1 sale on a tract of real property listed under section 1 of this
2 chapter.

3 (2) A person who is an agent of the person described in
4 subdivision (1).

5 (b) A person subject to this section may not purchase a tract
6 offered for sale under section 5, 5.2, 5.5, or 5.6 of this chapter.

7 (c) If a person purchases a tract that the person was not eligible
8 to purchase under this section, the sale of the property is void. The
9 county treasurer shall apply the amount of the person's bid to the
10 person's delinquent taxes and offer the real property for sale again
11 under this chapter.

12 SECTION 4. IC 6-4.1-10-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The department
14 of state revenue shall review each claim for refund and shall enter an
15 order either approving, partially approving, or disapproving the refund.
16 If the department either approves or partially approves a claim for
17 refund, the department shall send a copy of the order to:

18 (1) the treasurer of the county that collected the tax, if the refund
19 applies to inheritance tax collected as a result of a resident
20 decedent's death; ~~or and~~

21 (2) the treasurer of state. ~~if the refund applies to tax collected by~~
22 ~~the department.~~

23 The ~~county or state~~ treasurer ~~as the case may be~~, ~~of state~~ shall pay the
24 refund from money which is under his control and which has not
25 otherwise been appropriated. The ~~county or state~~ treasurer ~~of state~~
26 shall receive a credit for the **county portion of the** amount so
27 refunded, **and** the county treasurer **of the county owing the credit**
28 shall ~~claim the credit account for the credit on his the county's~~
29 inheritance tax report for the quarter in which the refund is paid.

30 (b) Within five (5) days after entering an order with respect to a
31 claim for refund filed under section 1 of this chapter, the department
32 shall send a copy of the order to the person who filed the claim.

33 SECTION 5. IC 13-21-3-23 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2000]: Sec. 23. (a) **This section applies to a county having a**
36 **population of more than one hundred sixty thousand (160,000) but**
37 **less than two hundred thousand (200,000).**

38 (b) A district may pay the costs of operation and enter contracts

1 **and agreements for the delivery of service in connection with:**

2 **(1) air quality attainment;**

3 **(2) mowing;**

4 **(3) litter cleanup;**

5 **(4) pruning and trimming of shrubs, trees, and other**
6 **vegetation; and**

7 **(5) waste services;**

8 **for an area of the district that is a right-of-way, public property, or**
9 **vacant property."**

10 Page 4, between lines 37 and 38, begin a new paragraph and insert:

11 "SECTION 7. IC 33-17-1-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) As used in this
13 section, "Indiana support enforcement tracking system (ISETS)" refers
14 to the statewide automated system for the collection, disbursement, and
15 distribution of child support payments established by the division of
16 family and children.

17 (b) The clerk may receive funds:

18 (1) in payment of judgments; and

19 (2) ordered to be paid into the court by the judge.

20 (c) Except as provided in ~~subsection~~ **subsections (d) and (g)**, the
21 clerk is liable, with his sureties, on his official bond for all funds
22 received to any person who is entitled to demand and receive those
23 funds from him.

24 (d) The clerk is not personally liable or liable in the clerk's official
25 capacity on the clerk's official bond for funds received if the clerk:

26 (1) through error or in accordance with the best information
27 available to the clerk, disbursed the funds to a person the clerk
28 reasonably believed to be entitled to receive the funds and to
29 comply with a:

30 (A) child support order; or

31 (B) garnishment order;

32 (2) inappropriately disbursed or misapplied child support funds,
33 arising without the knowledge or approval of the clerk, that
34 resulted from:

35 (A) an action by an employee of, or a consultant to, the
36 division of family and children;

37 (B) an ISETS technological error; or

38 (C) information generated by ISETS;

(3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;

(4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and

(5) did not commit a criminal offense as a part of the disbursement.

(e) If the clerk improperly disburses funds in the manner described by subsection (d), the clerk shall do the following:

(1) Deduct an amount equal to the amount of funds improperly disbursed from fees collected under IC 33-19-6-5.

(2) Credit each account from which funds were improperly disbursed with the amount of funds improperly disbursed under subsection (d).

(3) Notify the prosecuting attorney of the county of:

(A) the amount of the improper disbursement;

(B) the person from whom the amount of the improper disbursement should be collected; and

(C) any other information to assist the prosecuting attorney to collect the amount of the improper disbursement.

(4) Record each action taken under this subsection on a form prescribed by the state board of accounts.

(f) If:

(1) fees collected under IC 33-19-6-5 are credited to an account under subsection (e)(2) because a check or money order was dishonored by a financial institution or was the subject of a stop payment order; and

(2) a person subsequently pays to the clerk all or part of the amount of the check or money order that was dishonored or the subject of a stop payment order;

the clerk shall reimburse the account containing fees collected under IC 33-19-6-5 using the amount the person paid to the clerk.

(g) The clerk is not personally liable for the amount of a dishonored check, for penalties assessed against a dishonored check, or for financial institution charges relating to a dishonored check, if:

(1) the check was tendered to the clerk for the payment of a:

(A) fee;

- 1 **(B) court ordered payment; or**
 2 **(C) license; and**
 3 **(2) the acceptance of the check was not an act or omission**
 4 **constituting gross negligence or an intentional disregard of**
 5 **the responsibilities of the office of clerk."**

6 Page 5, between lines 23 and 24, begin a new paragraph and insert:

7 "SECTION 9. IC 34-30-2-144.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2000]: **Sec. 144.5. IC 33-17-1-4. (Concerning**
 10 **the personal liability of circuit court clerks for dishonored checks.)**

11 SECTION 10. IC 34-30-2-152.4 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2000]: **Sec. 152.4. IC 36-2-10-24. (Concerning**
 14 **the personal liability of county treasurers.)**

15 SECTION 11. IC 34-30-2-152.6 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2000]: **Sec. 152.6. IC 36-2-11-7.5.**
 18 **(Concerning the personal liability of county recorders for**
 19 **dishonored checks.)**

20 SECTION 12. IC 36-1-11-16 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 16. (a) This section**
 22 **applies to the following:**

23 (1) A person who ~~could have redeemed a tract under~~
 24 ~~IC 6-1.1-25-1~~ who did not redeem the tract before a deed for the
 25 tract was issued to a county under ~~IC 6-1.1-25-4~~, owes
 26 **delinquent taxes, special assessments, penalties, interest, or**
 27 **costs directly attributable to a prior tax sale on a tract of real**
 28 **property listed under IC 6-1.1-24-1.**

29 (2) A person who is an agent of the person described in
 30 subdivision (1).

31 (b) A person subject to this section may not purchase, receive, or
 32 lease a tract ~~the person could have redeemed when the tract that~~ is
 33 offered in a sale, exchange, or lease under this chapter. ~~unless:~~

34 (1) ~~the county was issued a deed to the tract under IC 6-1.1-25-4~~
 35 ~~more than five (5) years before the tract is offered for sale,~~
 36 ~~exchange, or lease under this chapter; or~~

37 (2) ~~the person pays the county treasurer an amount equal to the~~
 38 ~~amount required to redeem the tract when the county was issued~~

1 a deed for the tract under IC ~~6-1.1-25-4~~ before the sale, exchange,
2 or lease under this chapter is executed by the county.

3 (c) If a person purchases, receives, or leases a tract that the person
4 was not eligible to purchase, receive, or lease under this section, the
5 sale, transfer, or lease of the property is void and the county retains the
6 interest in the tract it possessed before the sale, transfer, or lease of the
7 tract.

8 SECTION 13. IC 36-2-10-24 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2000]: **Sec. 24. A county treasurer is not**
11 **personally liable for any act or omission occurring in connection**
12 **with the performance of the county treasurer's official duties,**
13 **unless the act or omission constitutes gross negligence or an**
14 **intentional disregard of the responsibilities of the office of county**
15 **treasurer.**

16 SECTION 14. IC 36-2-11-7.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2000]: **Sec. 7.5. A county recorder is not**
19 **personally liable for the amount of a dishonored check, for**
20 **penalties assessed against a dishonored check, or for financial**
21 **institution charges relating to a dishonored check, if:**

- 22 (1) **the check was tendered to the county recorder for the**
23 **payment of a fee; and**
24 (2) **the acceptance of the check was not an act or omission**
25 **constituting gross negligence or an intentional disregard of**
26 **the responsibilities of the office of county recorder.**

27 SECTION 15. IC 36-2-11-16 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 16. (a) This section**
29 **does not apply to:**

- 30 (1) an instrument executed before November 4, 1943;
31 (2) a judgment, order, or writ of a court;
32 (3) a will or death certificate; or
33 (4) an instrument executed or acknowledged outside Indiana.

34 (b) Whenever this section prescribes that the name of a person be
35 printed, typewritten, or stamped immediately beneath his signature, the
36 signature must be written on the instrument, directly preceding the
37 printed, typewritten, or stamped name, and may not be superimposed
38 on that name so as to render either illegible. However, the instrument

1 may be received for record if the name and signature are, in the
 2 discretion of the county recorder, placed on the instrument so as to
 3 render the connection between the two apparent.

4 (c) The recorder may receive for record an instrument only if:

5 (1) the name of each person who executed the instrument is
 6 legibly printed, typewritten, or stamped immediately beneath his
 7 signature or the signature itself is printed, typewritten, or
 8 stamped;

9 (2) the name of each witness to the instrument is legibly printed,
 10 typewritten, or stamped immediately beneath his signature or the
 11 signature itself is printed, typewritten, or stamped;

12 (3) the name of each notary public whose signature appears on the
 13 instrument is legibly printed, typewritten, or stamped immediately
 14 beneath his signature or the signature itself is printed, typewritten,
 15 or stamped; and

16 (4) the name of each person who executed the instrument appears
 17 identically in the body of the instrument, in the acknowledgment
 18 or jurat, in his signature, and beneath his signature;

19 or if subsection (d) is complied with.

20 (d) The recorder may receive for record an instrument that does not
 21 comply with subsection (c) if:

22 (1) a printed or typewritten affidavit of a person with personal
 23 knowledge of the facts is recorded with the instrument;

24 (2) the affidavit complies with this section;

25 (3) the affidavit states the correct name of a person, if any, whose
 26 signature cannot be identified or whose name is not printed,
 27 typewritten, or stamped on the instrument as prescribed by this
 28 section; and

29 (4) when the instrument does not comply with subsection (c)(4),
 30 the affidavit states the correct name of the person and states that
 31 each of the names used in the instrument refers to the person.

32 (e) The recorder may record a copy produced by a photographic
 33 process of any document presented for recording if:

34 (1) the document complies with other statutory recording
 35 requirements; and

36 (2) the copy is a clear, concise, and unobstructed copy.

37 All copies accepted for recording shall be marked as copies by the
 38 recorder.

(f) An instrument received and recorded by a county recorder is conclusively presumed to comply with this section.

(g) The recorder may receive an instrument for record only if the recorder determines that the instrument is legible.

SECTION 16. IC 36-4-8-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 15. Each city agency, board, commission, district, or other city entity shall file one (1) copy of that agency's, board's, commission's, district's, or entity's financial records with the city fiscal officer.**

SECTION 17. IC 36-5-4-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 14. Each town agency, board, commission, district, or other town entity shall file one copy of that agency's, board's, commission's, district's, or entity's financial records with the town fiscal officer."**

Page 5, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 19. IC 36-7-14-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 16.3. (a) After a resolution has been amended, approved, or disapproved under section 16 of this chapter by the plan commission or the body charged with developing a general plan, the plan commission or body shall submit the resolution to the municipal legislative body or the county executive.**

(b) The redevelopment commission may not proceed with the acquisition of a blighted area until the resolution is finally approved by the municipal legislative body or county executive under section 17 or 17.3 of this chapter.

SECTION 20. IC 36-7-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 17. (a) After receipt of the written order of approval of the plan commission, and approval of the municipal legislative body or county executive; the redevelopment commission municipal legislative body or the county executive shall publish notice of the adoption and substance of the resolution of the redevelopment commission in accordance with IC 5-3-1. The notice must state that maps and plats have been prepared and can be inspected at the office of the department. The notice must also name a date when**

1 the ~~commission~~ **municipal legislative body or the county executive**
 2 will receive and hear remonstrances and objections from persons
 3 interested in or affected by the proceedings pertaining to the proposed
 4 project, and will determine the public utility and benefit of the
 5 proposed project. All persons affected in any manner by the hearing,
 6 including all taxpayers of the special taxing district, shall be considered
 7 notified of the pendency of the hearing and of subsequent acts,
 8 hearings, adjournments, and orders of the commission **and the**
 9 **municipal legislative body or county executive** by the notice given
 10 under this section.

11 (b) A copy of the notice of the hearing on the proposed project shall
 12 be filed in the office of the unit's plan commission, board of zoning
 13 appeals, works board, park board, and building commissioner, and any
 14 other departments, bodies, or officers of the unit having to do with unit
 15 planning, variances from zoning ordinances, land use, or the issuance
 16 of building permits. These agencies and officers shall take notice of the
 17 pendency of the hearing and, until the ~~commission~~ **municipal**
 18 **legislative body or county executive** confirms, modifies and confirms,
 19 or rescinds the resolution, or the confirmation of the resolution is set
 20 aside on appeal, may not:

- 21 (1) authorize any construction on property or sewers in the area
- 22 described in the resolution, including substantial modifications,
- 23 rebuilding, conversion, enlargement, additions, and major
- 24 structural improvements; or
- 25 (2) take any action regarding the zoning or rezoning of property,
- 26 or the opening, closing, or improvement of streets, alleys, or
- 27 boulevards in the area described in the resolution.

28 This subsection does not prohibit the granting of permits for ordinary
 29 maintenance or minor remodeling, or for changes necessary for the
 30 continued occupancy of buildings in the area.

31 (c) If the resolution to be considered at the hearing includes a
 32 provision establishing or amending an allocation provision under
 33 section 39 of this chapter, the ~~redevelopment commission~~ **municipal**
 34 **legislative body or county executive** shall file the following
 35 information with each taxing unit that is wholly or partly located within
 36 the allocation area:

- 37 (1) A copy of the notice required by subsection (a).
- 38 (2) A statement disclosing the impact of the allocation area,

1 including the following:

2 (A) The estimated economic benefits and costs incurred by the
3 allocation area, as measured by increased employment and
4 anticipated growth of real property assessed values.

5 (B) The anticipated impact on tax revenues of each taxing unit.

6 The ~~redevelopment commission~~ **municipal legislative body or the**
7 **county executive** shall file the information required by this subsection
8 with the officers of the taxing unit who are authorized to fix budgets,
9 tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days
10 before the date of the hearing.

11 (d) At the hearing, which may be adjourned from time to time, the
12 ~~redevelopment commission~~ **municipal legislative body or the county**
13 **executive** shall hear all persons interested in the proceedings and shall
14 consider all written remonstrances and objections that have been filed.
15 After considering the evidence presented, the ~~commission~~ **municipal**
16 **legislative body or the county executive** shall take final action
17 determining the public utility and benefit of the proposed project, and
18 confirming, modifying and confirming, or rescinding the resolution.
19 **Except as provided in section 17.3 of this chapter,** the final action
20 taken by the ~~commission~~ **municipal legislative body or the county**
21 **executive** shall be recorded and is final and conclusive, except that an
22 appeal may be taken in the manner prescribed by section 18 of this
23 chapter.

24 SECTION 21. IC 36-7-14-17.3 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2000]: **Sec. 17.3. (a) If the municipal**
27 **legislative body or the county executive modifies or rescinds the**
28 **resolution of the redevelopment commission, the municipal**
29 **legislative body or county executive shall return the resolution to**
30 **the redevelopment commission for its consideration, with a written**
31 **statement of the reasons for the modification or rescission.**

32 (b) The redevelopment commission has sixty (60) days after
33 receiving the statement under subsection (a) in which to consider
34 the modification or rescission and to file a report with the
35 municipal legislative body or county executive. However, the
36 municipal legislative body or county executive may grant the
37 redevelopment commission an extension of time, of a specified
38 duration, in which to file its report. If the redevelopment

1 commission approves the modification made by the municipal
 2 legislative body or county executive, the resolution stands as
 3 amended by the municipal legislative body or county executive as
 4 of the date of the filing of the redevelopment commission's report
 5 with the municipal legislative body or county executive. If the
 6 redevelopment commission disapproves the modification or
 7 rescission, the action of the municipal legislative body or county
 8 executive on the original modification or rescission stands only if
 9 confirmed by another resolution, adopted after notice and a
 10 hearing, of the municipal legislative body or county executive.

11 (c) If the redevelopment commission does not file a report with
 12 the municipal legislative body or county executive body within the
 13 time allotted under subsection (b), the action of the municipal
 14 legislative body or county executive in modifying or rescinding the
 15 resolution of the redevelopment commission becomes final.

16 SECTION 22. IC 36-7-14-17.5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17.5. (a) The
 18 commission must conduct a public hearing before amending a
 19 resolution or plan for a redevelopment area, an urban renewal project
 20 area, or an economic development area. The commission shall give
 21 notice of the hearing in accordance with IC 5-3-1. The notice must:

- 22 (1) set forth the substance of the proposed amendment;
- 23 (2) state the time and place where written remonstrances against
 24 the proposed amendment may be filed;
- 25 (3) set forth the time and place of the hearing; and
- 26 (4) state that the commission will hear any person who has filed
 27 a written remonstrance during the filing period set forth under
 28 subdivision (2).

29 (b) For the purposes of this section, the consolidation of areas is not
 30 considered the enlargement of the boundaries of an area.

31 (c) When the commission proposes to amend a resolution or plan,
 32 the commission is not required to have evidence or make findings that
 33 were required for the establishment of the original redevelopment area,
 34 urban renewal area, or economic development area. However, the
 35 commission must make the following findings before approving the
 36 amendment:

- 37 (1) The amendment is reasonable and appropriate when
 38 considered in relation to the original resolution or plan and the

1 purposes of this chapter.

2 (2) The resolution or plan, with the proposed amendment,
3 conforms to the comprehensive plan for the unit.

4 (d) In addition to the requirements of subsection (a), if the
5 resolution or plan is proposed to be amended in a way that changes:

6 (1) parts of the area that are to be devoted to a public way, levee,
7 sewerage, park, playground, or other public purposes;

8 (2) the proposed use of the land in the area; or

9 (3) requirements for rehabilitation, building requirements,
10 proposed zoning, maximum densities, or similar requirements;

11 the commission must, at least ten (10) days before the public hearing,
12 send the notice required by subsection (a) by first class mail to affected
13 neighborhood associations.

14 (e) In addition to the requirements of subsection (a), if the resolution
15 or plan is proposed to be amended in a way that:

16 (1) enlarges the boundaries of the area by not more than twenty
17 percent (20%) of the original area; or

18 (2) adds one (1) or more parcels to the list of parcels to be
19 acquired;

20 the commission must, at least ten (10) days before the public hearing,
21 send the notice required by subsection (a) by first class mail to affected
22 neighborhood associations and to persons owning property that is in the
23 proposed enlargement of the area or that is proposed to be added to the
24 acquisition list. If the enlargement of an area is proposed, notice must
25 also be filed in accordance with section 17(b) of this chapter, and
26 agencies and officers may not take actions prohibited by section 17(b)
27 of this chapter in the proposed enlarged area.

28 (f) Notwithstanding subsections (a) and (c), if the resolution or plan
29 is proposed to be amended in a way that enlarges the original
30 boundaries of the area by more than twenty percent (20%), the
31 commission must use the procedure provided for the original
32 establishment of areas and must comply with sections 15 through 17 of
33 this chapter.

34 (g) At the hearing on the amendments, the commission shall
35 consider written remonstrances that are filed. The action of the
36 commission on the amendment shall be recorded and **submitted to the**
37 **municipal legislative body or county executive for approval under**
38 **section 17 of this chapter. A final decision of the municipal**

1 **legislative body or county executive under section 17 or 17.3 of this**
 2 **chapter** is final and conclusive, except that an appeal of the
 3 ~~commission's~~ **action of the municipal legislative body or county**
 4 **executive** may be taken under section 18 of this chapter.

5 (h) The commission may require that neighborhood associations
 6 register with the commission. The commission may adopt a rule that
 7 requires that a neighborhood association encompass a part of the
 8 geographic area included in or proposed to be included in a
 9 redevelopment area, urban renewal area, or economic development
 10 area to qualify as an affected neighborhood association.

11 SECTION 23. IC 36-7-14-18 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. (a) A person who
 13 filed a written remonstrance with the ~~redevelopment commission~~
 14 **municipal legislative body or the county executive** under section 17
 15 of this chapter and is aggrieved by the final action taken may, within
 16 ten (10) days after that ~~final~~ **action has become final under section 17**
 17 **or 17.3 of this chapter**, file in the office of the clerk of the circuit or
 18 superior court a copy of the order of the ~~commission~~ **municipal**
 19 **legislative body or the county executive** and his remonstrance against
 20 that order, together with his bond conditioned to pay the costs of his
 21 appeal if the appeal is determined against him. The only ground of
 22 remonstrance that the court may hear is whether the proposed project
 23 will be of public utility and benefit. The burden of proof is on the
 24 remonstrator.

25 (b) An appeal under this section shall be promptly heard by the
 26 court without a jury. All remonstrances upon which an appeal has been
 27 taken shall be consolidated and heard and determined within thirty (30)
 28 days after the time of the filing of the appeal. The court shall hear
 29 evidence on the remonstrances, and may confirm the final action of the
 30 commission or sustain the remonstrances. The judgment of the court is
 31 final and conclusive, unless an appeal is taken as in other civil actions.

32 SECTION 24. IC 36-7-14-19 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) If no appeal is
 34 taken or if an appeal is taken but is unsuccessful, the redevelopment
 35 commission shall proceed with ~~the~~ **a** proposed project **that has been**
 36 **approved by the municipal legislative body or the county executive**
 37 to the extent that money is available for that purpose.

38 (b) The redevelopment commission shall first approve and adopt a

1 list of the real property and interests in real property to be acquired and
2 the price to be offered to the owner of each parcel of interest. The
3 prices to be offered may not exceed the average of two (2) independent
4 appraisals of fair market value procured by the commission except that
5 appraisals are not required in transactions with other governmental
6 agencies. However, if the real property is less than five (5) acres in size
7 and the fair market value of the real property or interest has been
8 appraised by one (1) independent appraiser at less than ten thousand
9 dollars (\$10,000), the second appraisal may be made by a qualified
10 employee of the department of redevelopment. The prices indicated on
11 the list may not be exceeded unless specifically authorized by the
12 commission or ordered by a court in condemnation proceedings. The
13 commission may except from acquisition any real property in the area
14 if the commission finds that such an acquisition is not necessary under
15 the redevelopment plan. Appraisals made under this section are for the
16 information of the commission and are not open for public inspection.

17 (c) Negotiations for the purchase of property may be carried on
18 directly by the redevelopment commission, by its employees, or by
19 expert negotiations, but no option, contract, or understanding relative
20 to the purchase of real property is binding on the commission until
21 approved and accepted by the commission in writing. The commission
22 may authorize the payment of a nominal fee to bind an option and as a
23 part of the consideration for conveyance may agree to pay the expense
24 incident to the conveyance and determination of the title of the
25 property. Payment for the property purchased shall be made when and
26 as directed by the commission but only on delivery of proper
27 instruments conveying the title or interest of the owner to the "City
28 (Town or County) of _____ for the use and benefit of its
29 department of redevelopment".

30 (d) All real property and interests in real property acquired by the
31 redevelopment commission are free and clear of all liens, assessments,
32 and other governmental charges except for current property taxes,
33 which shall be prorated to the date of acquisition.

34 (e) Notwithstanding subsections (a) through (d), the redevelopment
35 commission may, before the time referred to in this section, accept gifts
36 of property needed for the redevelopment of blighted areas if the
37 property is free and clear of all liens other than taxes, assessments, and
38 other governmental charges. The commission may, before the time

referred to in this section, take options on or contract for the acquisition of property needed for the redevelopment of blighted areas if the options and contracts are not binding on the commission or the district until the time referred to in this section and until money is available to pay the consideration set out in the options or contracts.

SECTION 25. IC 36-7-14-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 36. (a) In addition to all of the other powers, authority, and jurisdiction of a redevelopment commission operating under this chapter, a commission may undertake a neighborhood development program. A neighborhood development program may include one (1) or more contiguous or noncontiguous blighted, deteriorated, or deteriorating areas. These areas may include redevelopment or urban renewal project areas.

(b) Whenever the redevelopment commission finds that any area in the territory under their jurisdiction has become blighted, deteriorated, or deteriorating to an extent that cannot be corrected by regulatory processes or by the ordinary operations of private enterprise without resort to the provisions of this chapter, and that the public health and welfare would be benefited by the redevelopment or urban renewal of that area under this chapter, the commission shall prepare a description and map showing the boundaries of the area to be included in the neighborhood development program.

(c) After preparation of the description and map under subsection (b), the redevelopment commission shall adopt a resolution declaring, confirming, and delineating the general boundaries of the blighted, deteriorated, or deteriorating area, and of the parts of that area that are to be designated as redevelopment or urban renewal areas. However, an area may not be designated as a redevelopment or urban renewal area unless:

- (1) the required appraisals, maps, plats and plans have been prepared and all other requirements of this chapter are met; and
- (2) **the municipal legislative body or county executive has finally approved the resolution and the neighborhood development program, including any amendments, under section 17 or 17.3 of this chapter.**

(d) Areas designated as redevelopment or urban renewal areas under this section are considered to be redevelopment or urban renewal areas for all purposes of this chapter. Areas within the neighborhood

development program area that are not so designated are not considered to be redevelopment or urban renewal areas until designated as such by an amendment to the neighborhood development plan, adopted in the same manner and with the same procedure as a declaratory and confirmatory resolution declaring an area blighted for redevelopment or urban renewal projects.

(e) The redevelopment commission may make studies, appraisals, maps, plats, and plans of areas within the neighborhood development program area that have not been designated as redevelopment or urban renewal project areas. However, the commission may not acquire any land in those areas until the neighborhood development plan has been amended to designate that land as a part of an urban renewal or redevelopment project area.

(f) The redevelopment commission may amend the neighborhood development plan, in the manner prescribed by subsection (d), to include additional areas in the neighborhood development program areas, either generally or as urban renewal or redevelopment project areas.

(g) The redevelopment commission may apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the federal government, may contract with the federal government for any costs arising from a neighborhood development program, or may otherwise contract with the federal government concerning a neighborhood development program, to the same extent as they may for urban renewal project areas.

SECTION 26. IC 36-7-14-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a blighted area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter **and finally approved under section 17 or 17.3 of this chapter** refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally

- 1 determined for the assessment date immediately preceding the
 2 effective date of the allocation provision of the declaratory
 3 resolution, as adjusted under subsection (h); plus
 4 (B) to the extent that it is not included in clause (A), the net
 5 assessed value of property that is assessed as residential
 6 property under the rules of the state board of tax
 7 commissioners, as finally determined for any assessment date
 8 after the effective date of the allocation provision.
- 9 (2) If an allocation provision is adopted after June 30, 1997, in a
 10 declaratory resolution or an amendment to a declaratory
 11 resolution establishing a blighted area:
 12 (A) the net assessed value of all the property as finally
 13 determined for the assessment date immediately preceding the
 14 effective date of the allocation provision of the declaratory
 15 resolution, as adjusted under subsection (h); plus
 16 (B) to the extent that it is not included in clause (A), the net
 17 assessed value of property that is assessed as residential
 18 property under the rules of the state board of tax
 19 commissioners, as finally determined for any assessment date
 20 after the effective date of the allocation provision.
- 21 (3) If:
 22 (A) an allocation provision adopted before June 30, 1995, in
 23 a declaratory resolution or an amendment to a declaratory
 24 resolution establishing a blighted area expires after June 30,
 25 1997; and
 26 (B) after June 30, 1997, a new allocation provision is included
 27 in an amendment to the declaratory resolution;
 28 the net assessed value of all the property as finally determined for
 29 the assessment date immediately preceding the effective date of
 30 the allocation provision adopted after June 30, 1997, as adjusted
 31 under subsection (h).
- 32 (4) Except as provided in subdivision (5), for all other allocation
 33 areas, the net assessed value of all the property as finally
 34 determined for the assessment date immediately preceding the
 35 effective date of the allocation provision of the declaratory
 36 resolution, as adjusted under subsection (h).
- 37 (5) If an allocation area established in an economic development
 38 area before July 1, 1995, is expanded after June 30, 1995, the

1 definition in subdivision (1) applies to the expanded portion of the
2 area added after June 30, 1995.

3 (6) If an allocation area established in a blighted area before July
4 1, 1997, is expanded after June 30, 1997, the definition in
5 subdivision (2) applies to the expanded portion of the area added
6 after June 30, 1997.

7 Except as provided in section 39.3 of this chapter, "property taxes"
8 means taxes imposed under IC 6-1.1 on real property. However, upon
9 approval by a resolution of the redevelopment commission adopted
10 before June 1, 1987, "property taxes" also includes taxes imposed
11 under IC 6-1.1 on depreciable personal property. If a redevelopment
12 commission adopted before June 1, 1987, a resolution to include within
13 the definition of property taxes taxes imposed under IC 6-1.1 on
14 depreciable personal property that has a useful life in excess of eight
15 (8) years, the commission may by resolution determine the percentage
16 of taxes imposed under IC 6-1.1 on all depreciable personal property
17 that will be included within the definition of property taxes. However,
18 the percentage included must not exceed twenty-five percent (25%) of
19 the taxes imposed under IC 6-1.1 on all depreciable personal property.

20 (b) A declaratory resolution adopted under section 15 of this chapter
21 **and finally approved under section 17 or 17.3 of this chapter** before
22 January 1, 2006, may include a provision with respect to the allocation
23 and distribution of property taxes for the purposes and in the manner
24 provided in this section. A declaratory resolution previously adopted
25 may include an allocation provision by the amendment of that
26 declaratory resolution before January 1, 2006, in accordance with the
27 procedures required for its original adoption. A declaratory resolution
28 or an amendment that establishes an allocation provision after June 30,
29 1995, must specify an expiration date for the allocation provision that
30 may not be more than thirty (30) years after the date on which the
31 allocation provision is established. However, if bonds or other
32 obligations that were scheduled when issued to mature before the
33 specified expiration date and that are payable only from allocated tax
34 proceeds with respect to the allocation area remain outstanding as of
35 the expiration date, the allocation provision does not expire until all of
36 the bonds or other obligations are no longer outstanding. The allocation
37 provision may apply to all or part of the blighted area. The allocation
38 provision must require that any property taxes subsequently levied by

1 or for the benefit of any public body entitled to a distribution of
 2 property taxes on taxable property in the allocation area be allocated
 3 and distributed as follows:

4 (1) Except as otherwise provided in this section, the proceeds of
 5 the taxes attributable to the lesser of:

6 (A) the assessed value of the property for the assessment date
 7 with respect to which the allocation and distribution is made;
 8 or

9 (B) the base assessed value;

10 shall be allocated to and, when collected, paid into the funds of
 11 the respective taxing units.

12 (2) Except as otherwise provided in this section, property tax
 13 proceeds in excess of those described in subdivision (1) shall be
 14 allocated to the redevelopment district and, when collected, paid
 15 into an allocation fund for that allocation area that may be used by
 16 the redevelopment district only to do one (1) or more of the
 17 following:

18 (A) Pay the principal of and interest on any obligations
 19 payable solely from allocated tax proceeds which are incurred
 20 by the redevelopment district for the purpose of financing or
 21 refinancing the redevelopment of that allocation area.

22 (B) Establish, augment, or restore the debt service reserve for
 23 bonds payable solely or in part from allocated tax proceeds in
 24 that allocation area.

25 (C) Pay the principal of and interest on bonds payable from
 26 allocated tax proceeds in that allocation area and from the
 27 special tax levied under section 27 of this chapter.

28 (D) Pay the principal of and interest on bonds issued by the
 29 unit to pay for local public improvements in or serving that
 30 allocation area.

31 (E) Pay premiums on the redemption before maturity of bonds
 32 payable solely or in part from allocated tax proceeds in that
 33 allocation area.

34 (F) Make payments on leases payable from allocated tax
 35 proceeds in that allocation area under section 25.2 of this
 36 chapter.

37 (G) Reimburse the unit for expenditures made by it for local
 38 public improvements (which include buildings, parking

1 facilities, and other items described in section 25.1(a) of this
2 chapter) in or serving that allocation area.

3 (H) Reimburse the unit for rentals paid by it for a building or
4 parking facility in or serving that allocation area under any
5 lease entered into under IC 36-1-10.

6 (I) Pay all or a portion of a property tax replacement credit to
7 taxpayers in an allocation area as determined by the
8 redevelopment commission. This credit equals the amount
9 determined under the following STEPS for each taxpayer in a
10 taxing district (as defined in IC 6-1.1-1-20) that contains all or
11 part of the allocation area:

12 STEP ONE: Determine that part of the sum of the amounts
13 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
14 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
15 IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

16 STEP TWO: Divide:

17 (A) that part of twenty percent (20%) of each county's total
18 county tax levy payable that year as determined under
19 IC 6-1.1-21-4 that is attributable to the taxing district; by

20 (B) the STEP ONE sum.

21 STEP THREE: Multiply:

22 (A) the STEP TWO quotient; times

23 (B) the total amount of the taxpayer's property taxes levied
24 in the taxing district that have been allocated during that
25 year to an allocation fund under this section.

26 If not all the taxpayers in an allocation area receive the credit
27 in full, each taxpayer in the allocation area is entitled to
28 receive the same proportion of the credit. A taxpayer may not
29 receive a credit under this section and a credit under section
30 39.5 of this chapter in the same year.

31 (J) Pay expenses incurred by the redevelopment commission
32 for local public improvements that are in the allocation area or
33 serving the allocation area. Public improvements include
34 buildings, parking facilities, and other items described in
35 section 25.1(a) of this chapter.

36 (K) Reimburse public and private entities for expenses
37 incurred in training employees of industrial facilities that are
38 located:

- 1 (i) in the allocation area; and
- 2 (ii) on a parcel of real property that has been classified as
- 3 industrial property under the rules of the state board of tax
- 4 commissioners.

5 However, the total amount of money spent for this purpose in
 6 any year may not exceed the total amount of money in the
 7 allocation fund that is attributable to property taxes paid by the
 8 industrial facilities described in this clause. The
 9 reimbursements under this clause must be made within three
 10 (3) years after the date on which the investments that are the
 11 basis for the increment financing are made.

12 The allocation fund may not be used for operating expenses of the
 13 commission.

14 (3) Except as provided in subsection (g), before July 15 of each
 15 year the commission shall do the following:

16 (A) Determine the amount, if any, by which the base assessed
 17 value when multiplied by the estimated tax rate of the
 18 allocation area will exceed the amount of assessed value
 19 needed to produce the property taxes necessary to make, when
 20 due, principal and interest payments on bonds described in
 21 subdivision (2) plus the amount necessary for other purposes
 22 described in subdivision (2).

23 (B) Notify the county auditor of the amount, if any, of the
 24 amount of excess assessed value that the commission has
 25 determined may be allocated to the respective taxing units in
 26 the manner prescribed in subdivision (1). The commission
 27 may not authorize an allocation of assessed value to the
 28 respective taxing units under this subdivision if to do so would
 29 endanger the interests of the holders of bonds described in
 30 subdivision (2) or lessors under section 25.3 of this chapter.

31 (c) For the purpose of allocating taxes levied by or for any taxing
 32 unit or units, the assessed value of taxable property in a territory in the
 33 allocation area that is annexed by any taxing unit after the effective
 34 date of the allocation provision of the declaratory resolution is the
 35 lesser of:

- 36 (1) the assessed value of the property for the assessment date with
- 37 respect to which the allocation and distribution is made; or
- 38 (2) the base assessed value.

1 (d) Property tax proceeds allocable to the redevelopment district
 2 under subsection (b)(2) may, subject to subsection (b)(3), be
 3 irrevocably pledged by the redevelopment district for payment as set
 4 forth in subsection (b)(2).

5 (e) Notwithstanding any other law, each assessor shall, upon
 6 petition of the redevelopment commission, reassess the taxable
 7 property situated upon or in, or added to, the allocation area, effective
 8 on the next assessment date after the petition.

9 (f) Notwithstanding any other law, the assessed value of all taxable
 10 property in the allocation area, for purposes of tax limitation, property
 11 tax replacement, and formulation of the budget, tax rate, and tax levy
 12 for each political subdivision in which the property is located is the
 13 lesser of:

- 14 (1) the assessed value of the property as valued without regard to
- 15 this section; or
- 16 (2) the base assessed value.

17 (g) If any part of the allocation area is located in an enterprise zone
 18 created under IC 4-4-6.1, the unit that designated the allocation area
 19 shall create funds as specified in this subsection. A unit that has
 20 obligations, bonds, or leases payable from allocated tax proceeds under
 21 subsection (b)(2) shall establish an allocation fund for the purposes
 22 specified in subsection (b)(2) and a special zone fund. Such a unit
 23 shall, until the end of the enterprise zone phase out period, deposit each
 24 year in the special zone fund any amount in the allocation fund derived
 25 from property tax proceeds in excess of those described in subsection
 26 (b)(1) from property located in the enterprise zone that exceeds the
 27 amount sufficient for the purposes specified in subsection (b)(2) for the
 28 year. The amount sufficient for purposes specified in subsection (b)(2)
 29 for the year shall be determined based on the pro rata portion of such
 30 current property tax proceeds from the portion of the enterprise zone
 31 that is within the allocation area as compared to all such current
 32 property tax proceeds derived from the allocation area. A unit that has
 33 no obligations, bonds, or leases payable from allocated tax proceeds
 34 under subsection (b)(2) shall establish a special zone fund and deposit
 35 all the property tax proceeds in excess of those described in subsection
 36 (b)(1) in the fund derived from property tax proceeds in excess of those
 37 described in subsection (b)(1) from property located in the enterprise
 38 zone. The unit that creates the special zone fund shall use the fund

(based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that portion of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and state board of tax commissioners shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the state board of tax commissioners shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The state board of tax commissioners may prescribe procedures for county and township officials to follow to assist the state board in making the adjustments.

SECTION 27. IC 36-7-14-39.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39.2. (a) This section applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) As used in this section, "designated taxpayer" means any taxpayer designated by the commission in a declaratory resolution adopted or amended under section 15 or 17.5 of this chapter **and finally approved by the municipal legislative body or the county executive under section 17 or 17.3 of this chapter**, and with respect to which the commission finds that taxes to be derived from the taxpayer's depreciable personal property in the allocation area, in excess of the taxes attributable to the base assessed value of that personal property, are reasonably expected to exceed in one (1) or more future years the taxes to be derived from the taxpayer's real property in

1 the allocation area in excess of the taxes attributable to the base
2 assessed value of that real property.

3 (c) The allocation provision of a declaratory resolution may modify
4 the definition of "property taxes" under section 39(a) of this chapter to
5 include taxes imposed under IC 6-1.1 on the depreciable personal
6 property of designated taxpayers, in accordance with the procedures
7 and limitations set forth in this section and section 39 of this chapter.
8 If such a modification is included in the resolution for purposes of
9 section 39 of this chapter, the term "base assessed value" with respect
10 to the depreciable personal property of designated taxpayers means the
11 net assessed value of all the depreciable personal property as finally
12 determined for the assessment date immediately preceding:

13 (1) the effective date of the modification, for modifications
14 adopted before July 1, 1995; and

15 (2) the adoption date of the modification for modifications
16 adopted after June 30, 1995;

17 as adjusted under section 39(h) of this chapter.

18 SECTION 28. IC 36-7-14-39.3 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39.3. (a) As used in this
20 section, "depreciable personal property" refers to:

21 (1) all of the designated taxpayer's depreciable personal property
22 that is located in the allocation area; and

23 (2) all other depreciable property located and taxable on the
24 designated taxpayer's site of operations within the allocation area.

25 (b) As used in this section, "designated taxpayer" means any
26 taxpayer designated by the commission in a declaratory resolution
27 adopted or amended under section 15 or 17.5 of this chapter **and**
28 **finally approved by the municipal legislative body or the county**
29 **executive under section 17 or 17.3 of this chapter**, and with respect
30 to which the commission **and the municipal legislative body or the**
31 **county executive** finds that taxes to be derived from the depreciable
32 personal property in the allocation area, in excess of the taxes
33 attributable to the base assessed value of that personal property, are
34 needed to pay debt service or to provide security for bonds issued
35 under section 25.1 of this chapter or to make payments or to provide
36 security on leases payable under section 25.2 of this chapter in order to
37 provide local public improvements for a particular allocation area.
38 However, a commission **and a municipal legislative body or the**

1 **county executive** may not designate a taxpayer after June 30, 1992,
 2 unless the commission **and the municipal legislative body or the**
 3 **county executive** also finds that:

4 (1) the taxpayer's property in the allocation area will consist
 5 primarily of industrial, manufacturing, warehousing, research and
 6 development, processing, distribution, or transportation related
 7 projects; and

8 (2) the taxpayer's property in the allocation area will not consist
 9 primarily of retail, commercial, or residential projects.

10 (c) The allocation provision of a declaratory resolution may modify
 11 the definition of "property taxes" under section 39(a) of this chapter to
 12 include taxes imposed under IC 6-1.1 on the depreciable personal
 13 property located and taxable on the site of operations of the designated
 14 taxpayers in accordance with the procedures and limitations set forth
 15 in this section and section 39 of this chapter. If such a modification is
 16 included in the resolution, for purposes of section 39 of this chapter the
 17 term "base assessed value" with respect to the depreciable personal
 18 property means the net assessed value of all the depreciable personal
 19 property as finally determined for the assessment date immediately
 20 preceding:

21 (1) the effective date of the modification, for modifications
 22 adopted before July 1, 1995; and

23 (2) the adoption date of the modification for modifications
 24 adopted after June 30, 1995;

25 as adjusted under section 39(h) of this chapter.

26 SECTION 29. IC 36-8-9-7 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2000]: **Sec. 7. (a) The board may provide that all appointments**
 29 **to the police department are probationary for a period not to**
 30 **exceed one (1) year.**

31 **(b) If the board finds, upon the recommendation of the chief of**
 32 **the department during the probationary period, that the conduct**
 33 **or capacity of a member is not satisfactory, the board shall notify**
 34 **the member in writing that the member is being suspended or that**
 35 **the member will not receive a permanent appointment.**

36 **(c) If a member is notified that the member will not receive a**
 37 **permanent appointment, the member's employment immediately**
 38 **ceases. Otherwise, at the expiration of the probationary period, the**

- 1 **member is considered regularly employed."**
- 2 Page 7, between lines 32 and 33, begin a new paragraph and insert:
- 3 "SECTION 31. IC 6-1.1-12-8 IS REPEALED [EFFECTIVE JULY
- 4 1, 2000].".
- 5 Renumber all SECTIONS consecutively.
(Reference is to HB 1008 as introduced.)

and when so amended that said bill do pass.

Representative Stevenson